

COUNTY OF SUFFOLK



Steve Bellone

SUFFOLK COUNTY EXECUTIVE

Natalie Wright
Commissioner

Department of Economic Development and Planning
Division of Planning and Environment

STAFF REPORT

SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Strong's Yacht Center
Municipality: Town of Southold
Location: Terminus of Mill Road approximately 400 feet east of Naugles Road

Received: 2/18/2020
File Number: SD-20-01
T.P.I.N.: 1000 10600 0600 010000
Jurisdiction: within 500 feet of Mattituck Creek

ZONING DATA

- Zoning Classification: MII and R80
- Minimum Lot Area (Sq Ft): 80000
- Section 278: NA
- Obtained Variance: NA

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: Yes
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: Yes
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
 - Map Yield: NA
- SEQRA Information: Yes
- SEQRA Type: Unlisted
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Marina
- Existing Structures: Four 1 story metal buildings; 2 story frame building; 1 story frame house, 7 garages, pool and shed
- General Character of Site: rolling
- Range of Elevation within Site: 10-70 feet above MSL
- Cover: wooded, gravel/asphalt/concrete and buildings.
- Soil Types: Carver, Plymouth and Riverhead associations.
- Range of Slopes (Soils Map): 3-35%
- Waterbodies of Wetlands: Mattituck Creek

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: site plan
- Layout: linear
- Area of Tract (Acres): 32.9559
- Yield Map: NA
 - No. of Lots: 1
 - Lot Area Range (Sq. Ft.): 1 lot = 32.9559 ac
- Open Space (Acres): 22.59

ACCESS

- Roads: Public
- Driveways: private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design System: catch basins - leaching pools
 - Recharge Basins: no
- Groundwater Management Zone: IV
- Water Supply: public
- Sanitary Sewers: septic tank and leaching pools

PROPOSAL DETAILS

OVERVIEW

Applicants seek Town of Southold Planning Board Site Plan approval for the construction of 101,500 SF of boat storage in two one-story buildings (52,500 SF [Bldg. 1.] and 49,000 SF [Bldg. 2.]) plus associated site “improvements” including grading, storm water drainage, water supply, and sewage disposal. In addition, traditional concrete and evergreen retaining walls, French drains, two locations for dual 2,000 gallon Liquid Propane above ground storage tanks and a six foot high black vinyl clad chain link fence along the top of the proposed evergreen retaining wall is proposed.

The new storage buildings are to be added to an existing boat yard and building complex with an existing gross floor area of 62,245 SF (now or formerly known as Strong’s Yacht Center). It is presented by the applicant to the Town Planning Board that approximately 3.9 acres of the site will be physically disturbed.

The proposed boat yard expansion is located on a parcel 32.6 acres in area in the MII (Marine District) and R-80 (Residential-low density) zoning districts. An out parcel and several out buildings take access from a 20’ right-of-way at the north end of the site. As noted the parcel is “split zoned”. The westerly portion of the site is in the R-80 zone. The proposed development site is located on the south side of Mill Road approximately 100 feet east of Naugles Road at Mattituck and is to be only on the south-east side of the lot in the Marine District. The limit of clearing is roughly along the zoning boundary and approximately 120 feet south of the out parcel.

The residentially zoned western-portion of the site is not to be developed with the exception of a construction access road noted below.

According to referral materials to the Suffolk County Planning Commission from the Town of Southold Planning Board, the proposal includes the construction of a “haul road” from Mill Road eastward across the residentially zoned and wooded area of the property for the excavation and removal of approximately 130,000 cubic yards of soil off site.

The proposed haul road, according to referral materials, will be constructed prior to the commencement of excavation and construction activities. No planned route across the parcel is provide in referral materials to the Suffolk County Planning Commission (plans prepared by Young and Young last revised Nov. 20 2018).

The subject development property is bound on the west by Mill Road (Town road). To the north the site is adjacent to a detached dwelling on a low density lot and the terminus of Mill Road. The subject lot is adjacent to Mattituck Creek to the east and Town of Southold owned undeveloped land and detached residential dwellings to the south.

The zoning pattern in the area is predominantly residential (R-40 and R-80) with several Marine District properties along Mattituck Creek.

Potable water is to be supplied by the Suffolk County Water Authority via a water main extension of 765 feet along Mill Road. In addition, according to referral materials to the Suffolk County Planning Commission from the Town of Southold Planning Board, approximately 1,665 gpd of sanitary liquid waste is proposed to be directed to a conventional subsurface sewage disposal system.

Onsite below grade storm water management structures are intended for the expansion of the proposed boat storage area

Total parking required by Town of Southold zoning law is not shown on the site plan or referenced in any materials referred to the Commission and is anticipated to require a variance from the Town. The area around the proposed boat storage buildings is to be stone blend and/or gravel as is typical throughout the existing development.

The total area of buffers (approximately 23 acres) is contained mostly on the R-80 residentially zone portion of the site and a small area north of proposed Building 1 between it and the out parcel.

The proposed project site is situated over Hydro-geologic Management Zone IV. The subject parcel is not located in the Southold Special Groundwater Protection Area (SGPA). The site is not located in a Suffolk County Pine Barrens Zone. The development site is not located in a State designated Critical Environmental Area. The property is however, listed in the NYS Heritage Area – Long Island Heritage Area. The site has tidal wetlands on site along Mattituck Creek at the southern end of the property and is likely to be regulated by the Town of Southold and the NYS DEC. The subject property is within the 100 year and 500 year flood plain.

The subject property is situated in a Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM) flood zone A with a base flood elevation set at 7 feet above mean sea level. Based on the extreme topographic change behind the existing buildings the flood zone stops at the existing retaining walls. The Sea, Lake and Overland Surges from Hurricanes (SLOSH) model applicable for the subject site demonstrates the subject property to be effected by surges from category 1 and 2 hurricanes at the existing marina and penetrating into the subject development site at the southern end.

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included are such issues as compatibility of land uses, community character, public convenience and maintaining a satisfactory community environment.

The proposed construction of the two boat storage buildings are within the MII zoning district along Mattituck Creek. The proposed use on site is consistent with water related uses though not water dependent due to the fact that boat storage can be accomplished inland. As existing, the subject property that is to include this action is adequately buffered from existing residential uses to the south. Issues related to compatibility of land use or community character may arise from the creation of construction access to Mill Road for the excavation and removal of soil from site.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: The Town of Southold 2019 Master Plan update recommended commercial use of the subject site. For the Maritime District the 2019 Draft Comprehensive Plan references the 2005 LWRP for specific recommendations. The LWRP appears to recommend residential for this site but is extremely supportive of Water dependent, related and enhanced uses.

It is the belief of the staff that the application is consistent with local plan recommendations. However, it is apparent that the current zoning pattern on site is indicative of the extent of the marine activities existing and into the future that should be permitted.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities that include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

Suffolk County Planning Commission Jurisdiction over this application is triggered by the project sites proximity to Mattituck Creek. It rises to a regionally significant project by Commission definition as it is located in one of the five East End towns and proposes the construction of more than 50,000 square feet of gross floor area.

Because of the subject action's location proximate to Mattituck Creek, matters related to coastal process become important. Issues such as storm water runoff from site, waste water discharge and the treatment of nitrogen containing effluent, periodic tidal flooding and ground water swelling are particular for this site and application. Moreover, the principles of "Climate Change" puts forth the notion of rising seas level, more frequent and severe and frequent storm events including more violent storm surges.

As indicated above "boat storage" is not a water "dependent" use. While "related" to water, boat storage is often accommodated inland away from the waterfront. It is the belief of staff that storage of boats on site is not essential but is related and enhances the functionality of the operations on site.

It is questioned by Suffolk County Planning Commission staff if the excavation and removal of approximately 130,000 cubic yards of soil off site is necessary. Best management practice for site design is to have balanced cut and fill for site development.

No soils should be removed. This is not the case here. The intended excavation will create a bowl on site where storm flood waters from Mattituck Creek will surge into. Details shown on plans prepared by Young and Young last revised Nov. 20 2018 and referred to the Suffolk county Planning Commission from the Town of Southold Planning Board show elevation of the finished excavation to be approximately 9 feet above mean sea level. Two feet above the base flood elevation and would be susceptible, as are other areas of similar elevations, to surges and flooding from category 2 hurricanes in the least.

While this could be considered beneficial to the area for additional flood water storage during storm events, the fact that there is proposed to be building Improvements and infrastructure in the created flood plain (excavation) will only set up a “repetitive economic loss” scenario for the boat storage building owners going into the future.

It is not demonstrated in the referral materials to the Suffolk County Planning Commission from the Town of Southold Planning Board that there has been much consideration to the Climate Change/sea level rise, SLOSH or flood zone issues. As noted above, conventional subsurface sewage disposal systems and onsite below grade storm water management structures are intended for the expansion of the proposed boat storage area. Details shown on plans prepared by Young and Young last revised Nov. 20, 2018 and referred to the Suffolk county Planning Commission from the Town of Southold Planning Board suggests that the elevation of the water table during normal groundwater conditions would be 3 feet below the bottom of the drainage rings. Test hole data from only two test holes provided on the plans referred to the Commission noted above show depth to water to be 6.4 feet to 7.6 feet below existing grade. It is not clear that, as designed, the existing waste and storm water systems would function during elevations of the groundwater table due to extreme climatic events. An alternative development approach would be to construct the proposed boat storage buildings in the same locations at or near the existing grade and not excavate down to elevation 9. This would require an access road at an appropriate slope from between any two of the existing storage building to the top of the boat storage building footprint. One such design could, for example, be from between metal storage buildings 7 and 8 and southerly behind building 8 and curl northward to the building envelope. This route runs along the less steeply sloped parts of the site and can mitigate excavation issues. Building at the existing grade lessens the repetitive economic loss concern and also addresses the functionality of the waste and storm water systems proposed.

The proposed haul road could still be the temporary construction route and left for emergency access to the site after construction. Opportunities would exist that would warrant the utilization of storm water treatment through natural vegetation and green methodologies. This alternative should be investigated fully.

Significant buffering of Mill Road and properties to the south of the new boat storage buildings would be appropriate for this alternative as would “Dark Sky” lighting techniques utilized on site. This is an important mitigation to lessen lighting impacts to the roadway right-of-way and single family housing to the south of the proposed boat storage buildings.

Application materials referred to the Suffolk County Planning Commission from the Town of Southold regarding the consideration of energy efficiency indicate little consideration. The applicants should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical elements contained therein.

No trip generation or traffic study information was provided in referral materials to the Suffolk County Planning Commission. The applicant should be encouraged to begin/continue dialogue with the Town of Southold.

Little discussion is made in the petition to the Town and referred to the Commission on public

safety and universal design.

STAFF RECOMMENDATION

Approval of the Site Plan referral from the Town of Southold Planning Board to the Suffolk County Planning Commission for “Strong’s Storage Buildings” proposing the construction of 101,500 SF of boat storage in two one-story buildings (52,500 SF [Bldg. 1.] and 49,000 SF [Bldg. 2.]) plus associated site “improvements” including grading, storm water drainage, water supply, and sewage disposal; with the following condition and comments:

Condition:

1. No excavated soil shall be removed off site. It is questionable if the excavation and removal of approximately 130,000 cubic yards of soil off site is necessary. The intended excavation will create a bowl on site where storm flood waters from Mattituck Creek will surge into. Building Improvements and infrastructure in the created flood plain (excavation) will only set up a “repetitive economic loss” scenario into the future for the boat storage building owners.
2. An alternative development approach shall be investigated in an expanded Full Environmental Assessment Form (FEAF) that would construct the proposed boat storage buildings in the same locations at or near the existing grade and not excavate. Building at the existing grade lessens the repetitive economic loss concern and also addresses the functionality of the waste and storm water systems proposed. See the adopted report of the Suffolk County Planning Commission for further details on this alternative.

Comments:

1. Review by the Suffolk County Department of Health Services is warranted for the proposed treatment of project wastewater and the applicant should be directed to begin/continue dialogue with the Suffolk County Department of Health Services.
2. It is not clear that, as designed, the existing waste and storm water systems would function during elevations of the groundwater table due to extreme climatic events. The applicant should be encouraged to investigate Innovative Onsite Alternative Waste Water Treatment Systems (IO/AWTS) including shallow drainage and wetland treatment systems.
3. The applicant should be encouraged to review the Suffolk County Planning Commission publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
4. “Dark Sky” lighting techniques should be utilized on site.
5. The applicant should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, any elements contained therein including commercial rooftop solar etc..
6. No trip generation or traffic study information was provided in referral materials to the Suffolk County Planning Commission.

7. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
8. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.



